

REMARKS

Upon entry of the present amendments, claims 1-10 and 12-19 are pending in the application. Claim 11 is canceled without prejudice. Claims 1 and 13 are amended. Support for amendment of claim 1 appears at least in claims 1 and 11 originally filed. Claim 13 has been amended to correct the dependency of this claim. The foregoing amendments were made without any intention to abandon any subject matter, but with the intention that one or more claims of the same, lesser, or greater scope may be pursued in a later application or in a continuation, continuation-in-part, or divisional application. The present amendment does not add new matter.

The following remarks are responsive to objection/rejections raised by the Examiner in the Non-final Office Action, dated September 29, 2006.

Claim Rejections Under 35 USC § 112

The Examiner rejected claims 1-19 pursuant to 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner alleges that the specification as filed does not provide a “clear description and/or envision in specifications to fluorous polymer.” (Office Action at page 2, ¶ 2, lines 5-6). Specifically, “[T]he generic terminology fluorous polymer is not limited to fluorous silica.” (Office Action; page 2; ¶ 2; lines 6-7). The Applicants respectfully traverse the rejection of the above-referenced claims as detailed below.

The Applicants respectfully submit that this rejection is mooted by the cancellation of claim 11 and amendment of claim 1 as well as claims 2-10 and 12-19 which depend therefrom by present amendment. With entry of the present amendment, the Applicants have revised claim 1 to recite a method of purifying radiolabelled compounds comprising the step (a) loading onto a “fluorous silica” a radiolabelled compound precursor comprising a fluoroalkyl tin moiety.

“The subject matter of the claim need not be described literally (*i.e.*, using the same terms or in *haec verba*) in order for the disclosure to satisfy the description requirement.” (MPEP

2163.02). Possession of the claimed invention can be accomplished by describing the claimed invention using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). The specification for the instant application as filed exemplifies the methods of claims 1-10 and 12-19 by descriptive means in compliance 35 U.S.C. §112, first paragraph.

As noted above, the above-referenced claims are drawn to a method of purifying radiolabelled compounds comprising the step (a) loading onto a “fluorous silica” a radiolabelled compound precursor comprising a fluoroalkyl tin moiety. The Applicants submit, that the teachings of the specification as filed are sufficiently clear and concise to enable any person skilled in the art how to make and use the methods of the above-referenced claims. That is, the specification as filed conveys with reasonable clarity to those skilled in the art that the Applicants were in possession of the invention and those of skill in the art would recognize the methods of the invention. (See generally, In re Gosteli, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989) and Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). The application as filed teaches the utility of fluorous solid phase techniques in the preparation of radiolabeled substrates. (see Specification at page 12, lines 12-30) Furthermore, the utility of fluorous silica in the methods of the present invention is taught at page 13, lines 1-19 of the specification as filed. As such, the Applicants believe that claims 1-10 and 12-19 are in compliance with the written description requirement of 35 U.S.C. §112, first paragraph. Accordingly, the Applicants request reconsideration and withdrawal of the rejection of claims 1-10 and 12-19 pursuant to 35 U.S.C. §112, first paragraph.

The Examiner alleges that 1-19 fail to meet the written description requirement of 35 U.S.C. §112, first paragraph as there is a “lack of evidentiary support, it is beyond the skill of skilled artisan to use an fluorous polymer to be effective against the claimed conditions in the subject. The specification fails to include any specific advantages of using fluorous polymer compared to standard methods of purifying radiolabelled compounds or any working examples

showing fluorous silica effectiveness of the said polymer against all the claimed conditions.” (Office Action at page 3, lines 1-6). The Applicants respectfully submit that the Examiner’s rejection of the above-referenced claims for failure to meet the written description requirement of 35 U.S.C. §112, first paragraph on these ground is in error. The Applicants submit that the above-referenced claims drawn to methods of purifying radiolabelled compounds employing fluorous silica, are distinct from, and are not drawn to, methods of using a fluorous polymer to be effective in a subject. Further, the above-referenced claims are distinct from, and are not drawn to, methods of using a fluorous silica “against” a condition. Moreover, the Applicants submit that advantages of the methods of the present invention are discussed in the specification as filed at least at page 41, lines 12-29 through 42, lines 1-26. As such, the Applicants believe that claims 1-10 and 12-19 are in compliance with the written description requirement of 35 U.S.C. §112, first paragraph. Accordingly, the Applicants request reconsideration and withdrawal of the rejection of claims 1-10 and 12-19 pursuant to 35 U.S.C. §112, first paragraph.

Claim Objection

The Examiner raised an objection to claim 13 because, as filed, claim 13 was dependent on itself. The Applicants have amended the above-referenced claim to depend from claim 1. Accordingly, the Applicants request reconsideration and withdrawal of the objection to the claim.

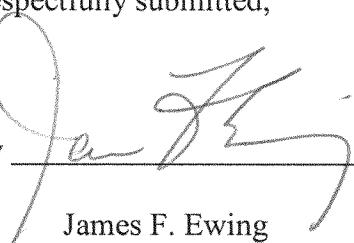
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Applicant believes that the present application is now in condition for allowance.

Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By



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